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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

CLERK, U.S.
SOUTHERN DIST. OF N.Y.

UNITED STATES OF AMERICA,

Plaintiff,

V.

Arnulfo SEVILLA-Zaragoza

Defendant.

Magistrate Case No. _____

COMPLAINT FOR VIOLATION OF

Title 18, U.S.C., Section
751 (a) – Escape From Custody/Arrest

The undersigned complainant being duly sworn states:

On or about December 29, 2007, at the San Ysidro Port of Entry in the Southern District of California, the defendant, **Arnulfo SEVILLA-Zaragoza** did knowingly escape from the custody of an officer of the United States, to wit United States Customs and Border Protection Enforcement Officer Sergio Barron, wherein he was held by virtue of his lawful arrest for a felony offense, to wit, Title 8 United States Code, Section 1324(a)(2)(B)(iii), all in violation of Title 18, United States Code, Section 751 (a).

The complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference

SIGNATURE OF COMPLAINANT
Jacob James
CBP Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **2ND** DAY OF
JANUARY, 2008.

UNITED STATES MAGISTRATE JUDGE

CATHY ANN BENCIVENGO
U.S. MAGISTRATE JUDGE

SLT

PROBABLE CAUSE STATEMENT

The complainant states that on December 29, 2007 at approximately 0425 hours, **Arnulfo SEVILLA-Zaragoza (Defendant)** was apprehended at the San Ysidro Port of Entry by CBP Officers while attempting to smuggle four undocumented aliens into the United States from Mexico. The aliens were discovered in a non factory compartment located on the undercarriage of a Dodge Caravan being driven by Defendant.

At approximately 0910 hours, CBP Enforcement Officer Sergio Barron placed Defendant under arrest for 8 USC 1324 (Alien Smuggling) and Defendant was advised of his Constitutional rights per Miranda. Defendant elected to answer questions without the benefit of counsel and during a videotaped interview admitted knowledge of the concealed aliens. Defendant further admitted he was to receive \$1,000 U.S. Dollars to smuggle the aliens into the United States.

At the conclusion of the interview, Defendant was confined in a holding cell at the Port of Entry pending transportation to the Metropolitan Correctional Center. At approximately 1315, hours CBP Enforcement Officer Barron observed Defendant near an unused sealed door located on the side of the cell. The door is not used for entry into or exit from the cell, has no exterior or interior handle and is maintained in a locked position. Officer Barron suspected Defendant was attempting to dispose of contraband. Officer Barron, with the assistance of another CBP Officer, entered the cell and discovered pieces of plastic located on the floor near the unused door. The officers recovered the plastic and searched the cell for contraband with negative results.

At approximately 1415 hours, while conducting a cell check, Officer Barron observed the unused door was slightly open and discovered Defendant was not present in the cell. Other officers were immediately notified and a search of the building was conducted with negative results. It was determined that Defendant had escaped from the facility.

Defendant is a 28 year old citizen of Mexico whose whereabouts remain unknown.